

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPEN TEXT S.A.,
Plaintiff,

v.

BOX, INC., et al.,
Defendants.

Case No. 13-cv-04910-JD

VERDICT FORM [TENTATIVE]

The parties should also file any objections to the attached proposed verdict form by February 11, 2015, at 5:00 p.m. Objections should not exceed 2 pages in length per side.

Question 8, regarding enablement, will be included absent further order of the Court.

IT IS SO ORDERED.

Dated: February 22, 2015



JAMES DONATO
United States District Judge

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case:

FINDINGS ON INFRINGEMENT CLAIMS – BOX

(The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.)

A. Direct Infringement – Box

1. For each patent claim below, has Open Text proven that it is more likely than not that that every element of the claim is included in the following Box products, features, or services?

Please answer Yes (for Open Text) or No (for Box) in each cell. Do not provide an answer in the darkened cells:

Claim	Box Edit For Mac	Box Edit For Windows	Box Android Application
'515 Patent, Claim 10			
'515 Patent, Claim 27			
'665 Patent, Claim 4			
'152 Patent, Claim 11			

B. Contributory Infringement – Box

2. For each claim and Box product, feature, or service below, has Open Text proven that it is more likely than not: (i) that direct infringers infringed the claim; (ii) that Box supplied an important component of the infringing part of the product, feature, or service; (iii) that the component was not a common component suitable for non-infringing use; and (iv) that Box supplied the component with knowledge of the patent and knowledge that the component was especially made or adapted for use in an infringing manner?

Please answer Yes (for Open Text) or No (for Box) in each cell:

Claim	Box Edit For Mac	Box Edit For Windows
'515 Patent, Claim 10		
'515 Patent, Claim 27		
'665 Patent, Claim 4		
'152 Patent, Claim 11		

C. Inducing Infringement – Box

3. For each claim and product, feature, or service below, has Open Text proven that it is more likely than not: (i) that direct infringers infringed the claim; (ii) that Box intentionally took action that actually induced that infringement by direct infringers; (iii) that Box was aware of the patent; (iv) that Box knew the acts it was causing would infringe the patent, and (v) that Box did not have a good faith belief that the patent was invalid?

Please answer Yes (for Open Text) or No (for Box) in each cell. Do not provide an answer in the darkened cells:

Claim	Box Edit For Mac	Box Edit For Windows	Box Android Application
'515 Patent, Claim 10			
'515 Patent, Claim 27			
'665 Patent, Claim 4			
'152 Patent, Claim 11			

D. Contributory Infringement – Carahsoft

4. For each claim and Box product, feature, or service below, has Open Text proven that it is more likely than not: (i) that direct infringers infringed the claim; (ii) that Carahsoft supplied an important component of the infringing part of the service; (iii) that the component was not a common component suitable for non-infringing use; and (iv) that Carahsoft supplied the component with knowledge of the patent and knowledge that the component was especially made or adapted for use in an infringing manner?

Please answer Yes (for Open Text) or No (for Carahsoft) in each cell:

Claim	Box Edit For Mac	Box Edit For Windows
'515 Patent, Claim 10		
'515 Patent, Claim 27		
'665 Patent, Claim 4		
'152 Patent, Claim 11		

E. Inducing Infringement – Carahsoft

5. For each claim and Box product, feature, or service below, has Open Text proven that it is more likely than not: (i) that direct infringers infringed the claim; (ii) that Carahsoft intentionally took action that actually induced that infringement by direct infringers; (iii) that Carahsoft was aware of the patent; (iv) that Carahsoft knew the acts it was causing would infringe the patent, and (v) that Carahsoft did not have a good faith belief that the patent was invalid?

Please answer Yes (for Open Text) or No (for Carahsoft) in each cell. Do not provide an answer in the darkened cells:

Claim	Box Edit For Mac	Box Edit For Windows	Box Android Application
'515 Patent, Claim 10			
'515 Patent, Claim 27			
'665 Patent, Claim 4			
'152 Patent, Claim 11			

F. Anticipation

6. For each claim listed below, have Defendants proven that it is highly probable that the claim was “anticipated,” or, in other words, not new as of December 28, 2001?

Please answer Yes (for Defendants) or No (for Open Text) in each cell:

Claim	Invalid
'515 Patent, Claim 10	
'515 Patent, Claim 27	
'665 Patent, Claim 4	
'152 Patent, Claim 11	

G. Obviousness

7. For each claim listed below, have Defendants proven that it is highly probable that the claim would have been obvious to a person of ordinary skill in the field as of December 28, 2001?

Please answer Yes (for Defendants) or No (for Open Text) in each cell:

Claim	Invalid
'515 Patent, Claim 10	
'515 Patent, Claim 27	
'665 Patent, Claim 4	
'152 Patent, Claim 11	

H. Enablement

8. For each claim listed below, have Defendants proven that it is highly probable that the patent's specification does not contain a description of the claimed invention that is sufficiently full and clear to enable persons of ordinary skill in the field to make and use the invention?

Please answer Yes (for Defendants) or No (for Open Text) in each cell:

Claim	Invalid
'515 Patent, Claim 10	
'515 Patent, Claim 27	
'665 Patent, Claim 4	
'152 Patent, Claim 11	

I. Damages

If you answered question 1, 2, 3, 4, or 5 “yes” and questions 6, 7, and 8 “no,” proceed to answer the remaining questions. If you did not so answer, do not answer the remaining questions and proceed to check and sign the verdict form.

9. You must next determine the amount of damages owed to Open Text. If you conclude that a single, lump sum payment for all past and future use of the patents that you have found infringed and valid is the appropriate measure of damages, then only answer sub-part A. If you conclude that a running royalty through October 31, 2014 is the appropriate measure of damages, then only answer sub-part B. Do not fill in amounts under both sub-part A and sub-part B. What is the amount of damages owed by Defendants to Open Text?

[A] Lump sum: \$_____

[B] Running royalty: \$_____ or _____% per unit sold

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the courtroom deputy that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: _____, 2015

By: _____
Presiding Juror